TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE #20-06

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF RARITAN TO PURCHASE A PORTION OF BLOCK 22, LOT 24 OF APPROXIMATELY 19.753 ACRES AND ALL OF BLOCK 22, LOT 25.03 FROM GLENN BROWNSTEIN AND MARY BROWNSTEIN IN AN AMOUNT OF $273,456.00

WHEREAS, the Township of Raritan negotiated with Glenn Brownstein and Mary Brownstein, husband and wife ("Sellers"), to purchase a portion of Block 22, Lot 24 and all of Block 22, Lot 25.03 ("Property") for open space, conservation and recreational or similar uses as authorized in N.J.S.A. 40A:12-1 et *seq*.; and

WHEREAS, the negotiations resulted in an agreement being reached subject to the approval and ratification of the Township Committee; and

WHEREAS, the Township Attorney drafted an "Agreement for Purchase of Real Estate" ("Contract") between Glenn Brownstein and Mary Brownstein, husband and wife, and the Township, which Contract was reviewed and approved by the attorneys for Glenn Brownstein and Mary Brownstein, husband and wife; and

WHEREAS, the Contract calls for a total purchase price in an amount not to exceed $273,456.00 for the Property; and

WHEREAS, the Township Committee reviewed the Contract and wishes to authorize its execution by the Mayor and Clerk; and

WHEREAS, the Township Committee desires to authorize the Township Administrator, Clerk and Attorney to take all required action to satisfy all contingencies contained in the Contract; and to arrange to close within forty-five (45) days from the effective date of the Contract; and

WHEREAS, the Open Space Advisory Committee recommended the acquisition of the Property for the purposes set forth hereinbefore and the funding of such acquisition from the following funding sources:

The funding sources for the Purchase Price will be:

$135,925.00	County of Hunterdon Open Space Trust Fund
$135,925.00	Green Acres Program Grant

$ 1,606.00	Township of Raritan Open Space Trust Fund
$273,456.00	Total

WHEREAS, the Township will fund the purchase price through the Funding Sources; and

WHEREAS, the Township Committee desires to adopt this Ordinance to authorize the acquisition of the Property, authorize the funding for the acquisition of the Property and authorize allocating funds from the County of Hunterdon Open Space Trust Fund and Green Acres Program; and

WHEREAS, the Township Committee desires to authorize the Township Administrator, Clerk and Attorney to obtain all necessary studies, including title searches, surveys and Phase I Environmental Site Assessment consistent with the County of Hunterdon Open Space Trust Fund and Green Acres Program requirements; and

WHEREAS, it is the intention of the Township, if necessary, to transfer, convey, assign or restrict the Property as required by the County of Hunterdon Open Space Trust Fund and Green Acres Program in order to receive reimbursement provided that the Township remains liable to the Sellers under the Contract; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 40A:12-13.4, authorizes the Township to transfer unneeded municipal interests in land to another governmental entity at a private sale provided that the property continues to serve a public purpose; namely, preserved for open space, conservation and recreation or similar uses as authorized in N.J.S.A. 40A:12-1 *et seq*.; and

WHEREAS, if required by the Funding Sources, the Township will transfer any interest it may have in the Property to another governmental or not for profit entity for open space, conservation, recreation or other similar use.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, as follows:

1. This Ordinance, upon final adoption, shall authorize the Township of Raritan to acquire the Property, authorize the funding for the acquisition of the Property, authorize appropriating the funds from the County of Hunterdon Open Space Trust Fund and Green Acres Program, authorize all necessary studies, including title searches, surveys and a Phase I Environmental Site Assessment consistent with the Green Acres Program regulations and expend money from the Township Open Space Trust Fund for due diligence purposes.

2. The Township of Raritan Mayor and Clerk are hereby directed and authorized to utilize the Funding Sources for this purchase, execute an "Agreement for the Purchase of Real Estate" for the purchase of a partial acquisition of Block 22, Lot 24 of approximately 19.753 acres of vacant land out of a total of 27.90 acres,

exclusive of the two (2) story single family dwelling, a total acquisition of Block 22, Lot 25.03 of approximately 12.917 acres of vacant land, in an amount not to exceed $273,456.00, and to expend money from the Township Open Space Trust Fund for a portion of the purchase price, professional fees and due diligence purposes.

3. The Township Administrator, Clerk and Attorney are hereby directed to take all action required to satisfy the contingencies contained in the Contract.

4. The Township Administrator, Clerk and Attorney are hereby directed to allocate all or a portion of the purchase price from the County of Hunterdon Open Space Trust Fund and Green Acres Program, and to take all action necessary for the Township to receive reimbursement from the Funding Sources.

5. There is hereby authorized an appropriation in an amount not to exceed $273,456.00 for the acquisition of the Property described in this Ordinance to be received from the Funding Sources. The Township Chief Financial Officer shall, prior to the effective date of this Ordinance, file with the Township Clerk a statement certifying that sufficient funds are available to make this appropriation. The original certification shall be attached to the original of this Ordinance and shall be kept on file with the Township Clerk.

6. The Township Mayor, Administrator, Clerk and Attorney are hereby authorized to take any action necessary to transfer, convey, assign, if necessary, or restrict the Property as required by the County of Hunterdon Open Space Trust Fund and Green Acres Program regulations in order to receive full or partial reimbursement of the purchase price from the Funding Sources.

7. This Ordinance shall take effect upon its final passage and publication according to law.

DATE ADOPTED: February 18, 2020

ATTEST:

Lisa Fania

Lisa Fania, RMC
Township Clerk

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN

Jeff Kuhl

Jeff Kuhl
Mayor